

JAN 17 2000

Before the State of South Carolina
Department of Insurance

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

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|-------------------------|---|--|
| In the Matter of: |) | |
| |) | Consent Order Imposing Administrative Fine |
| Royce A. Jones |) | |
| 405 Highway 197 – S |) | File No.: 100298 |
| Mt. Airy, Georgia 30563 |) | |
| _____ |) | |

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Royce A. Jones (Jones), a formerly licensed South Carolina non-resident insurance adjuster.

The Department received evidence that Jones' address changed while he was licensed as a South Carolina non-resident insurance adjuster. Jones failed to notify the South Carolina Department of Insurance of this change in his address as required by S.C. Code Ann. § 38-47-15 (Supp. 1998). This section reads, "When an individual applies for an adjuster's license he shall supply the department his business and residence address. The adjuster shall notify the department within thirty days of any change in these addresses." His license was cancelled on September 21, 1998 for failure to renew, and he has applied to have his non-resident adjuster's license reinstated.

S.C. Code Ann. § 38-47-10 (Supp. 1998) provides that the Director of Insurance must be satisfied that an applicant for an adjuster's license has not violated the insurance laws of the state. Jones and the Department agreed, rather than proceeding forward towards an administrative hearing, to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that in lieu of denying Jones' application for a non-resident insurance adjuster's license, Jones would immediately pay an administrative fine in the total amount of \$100 and that his non-resident insurance adjuster's license would be reinstated.

S.C. Code Ann. § 38-47-70 (Supp. 1998) states, "When the director or his designee determines that there has been a violation of this title by an adjuster, upon ten days' notice, he may impose the penalties provided in Section 38-2-10." Section 38-2-10 (2) provides that the director or his designee may fine a violator of the state's insurance laws up to \$2,500. After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Jones has violated S.C. Code Ann. § 38-47-15 (Supp. 1998).

Although I can now deny Jones' application for a non-resident insurance adjuster's license, I hereby invoke the discretionary authority given to me and impose against Jones an administrative fine in the total amount of \$100. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that total fine amount is not paid, his non-resident insurance adjuster's license will not be reinstated.

 Royce A. Jones

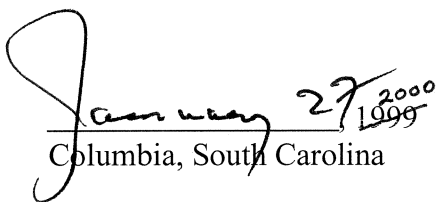
This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in light of this being Jones' first violation of the state's insurance laws and in consideration of Jones' assurance that in the future he will comply with the state's insurance laws, particularly that of timely notifying the Department of any changes in his business or personal addresses.

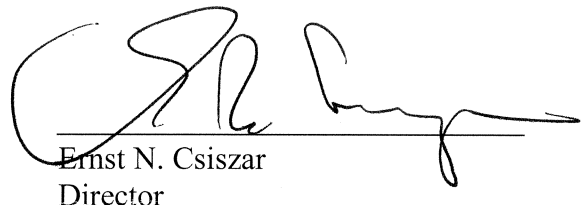
By his signature upon this Consent Order, Jones acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991, as amended). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Jones shall, within ten days of the date of my signature on this Consent Order, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$100.


It is further ordered that a copy of this Consent Order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This Consent Order becomes effective as of the date of my signature below.


Columbia, South Carolina


Ernst N. Csiszar
Director

I CONSENT:


Royce A. Jones
405 Highway 197 - S
Mt. Airy, Georgia 30563

Dated this 13 day of January, 2000.